

## OPENING STATEMENT

Ranking Member Eddie Bernice Johnson (D-TX)  
Committee on Science, Space, and Technology

*Investigating Contract Misconduct at the National Weather Service*  
Full Committee Hearing

July 15, 2015

Thank you, Mr. Chairman. Today we are holding a hearing entitled, "Investigating Contract Misconduct at the National Weather Service." I'm afraid that much of this hearing will unfortunately be theater rather than real oversight work, and I regret this.

Before I touch on that again, I do want to speak to the Inspector General's report which is the genesis for this hearing. Now, I certainly do not support misconduct by government officials. However, it looks like the problems uncovered in this report are less about the specific conduct of one individual than a failure of judgment and oversight up and down the management chain in the National Weather Service.

It was widely known in NWS that Mr. Jiron, the Deputy Chief Financial Officer, was going to come back as a contractor after retiring. No one intervened to stop him from writing his own statement of work, they even suggested that he do it **and** others in the office actually helped him by reading and commenting on his statement of work. It was also common knowledge in the office that NWS was paying for his "housing costs" while he was a contractor and no one ever raised a question about this or attempted to revise his contract.

That no one knew to stop Jiron from doing those things is more concerning to me than his personal actions. This kind of systemic failure is disappointing, and something we should hold NWS to account for. However, we do not have any current NWS officials here today to discuss how they plan to proceed in the future or what steps they have already taken.

Instead we have two retired NWS employees who were compelled to attend this hearing by Congressional subpoena despite the fact that they have both indicated they plan on exercising their Constitutional right to not speak here today. I'm not sure an issue with a single post-employment contract is worthy of this spectacle, Mr. Chairman. I want to be clear that I am not defending these gentlemen's conduct, to the degree we understand it, but I question the aggressive action of this Committee when the Chairman has been so reluctant to act in other areas.

The systemic failure at NWS is matched by a different systemic failure in the Commerce IG's office. That office received allegations regarding Mr. Jiron's actions in January of 2012. By August 2012, the IG was briefed on the findings and nearly 20 interviews had been completed. The report was essentially done at that point. Then it died. Nothing happened with this case for years. Then, almost two years later, the IG rushed to issue this report, at about the same time the IG's office was being investigated by this Committee.

While this report may be 100% accurate, and Mr. Greenblatt may have done a public service in shepherding the report to completion, I have to look at the timing of the report's release with some skepticism. Knowing that the report was revived at a moment that saw the leadership in the office looking for sensational products to convince this Committee to drop our bipartisan investigation of the former IG Todd Zinser and his office makes me question the end product.

I think it is worth reminding the Members of this Committee about that investigation of the IG's office. This investigation began as a bipartisan effort. It included three bipartisan letters from the Committee, including two document requests. It included a number of staff interviews of Commerce IG employees. And it included the establishment of a network of whistleblowers providing information to the Committee.

This investigation bore much fruit. It uncovered a pattern of whistleblower intimidation and retaliation by the Inspector General, Todd Zinser, and his deputy, Morgan Kim. It uncovered evidence of gross mismanagement of the office, some of which likely violated Federal law and regulations. It uncovered possible false statements to Congress during Mr. Zinser's confirmation process. Perhaps most importantly, it uncovered extensive evidence of Todd Zinser and Morgan Kim's personal efforts to obstruct the Committee's investigation. This evidence led me to ask the President to remove Mr. Zinser from office. I am attaching that letter and my March floor statement outlining the results of the investigation, as well as our past letters, to my statement today.

This evidence led the Chairman down a different path. The Chairman pushed the investigation over to the Council of Inspectors General for Integrity and Efficiency or CIGIE [*pronounced* SIG-EE]. However, we have it on good authority that the FBI sought information to support the Chairman's letter to CIGIE on *two* separate occasions and the Majority staff did not respond, leaving the CIGIE investigation to die a quiet death.

It is confusing to me that on the one hand the Chair quietly tolerated the most obvious and well-documented obstruction this Committee has seen in at least a quarter century, while on the other hand the Chair has issued more subpoenas in the past year than the previous six Committee chairs combined. And last week the Majority accused the EPA of obstruction based on zero supporting evidence of those claims. I wish this Committee would focus a little less on political theater and a little more on real, documented wrong-doing.

I am sending the Acting Commerce Inspector General a letter instructing him to retain all records in anticipation of my sending a referral to the Department of Justice regarding criminal misconduct by the former Commerce Inspector General and others. In coming days, I will send that referral to the Department of Justice and I would welcome any of my colleagues *who wish to engage in real oversight* to join me in that letter.

I yield back the balance of my time.